



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE	<u>10/23/01</u>
AGENDA ITEM	<u>5</u>
WORK SESSION ITEM	<u> </u>

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Planned Development No. 01-120-02 and Tentative Map Tract 7315 – American Housing P.M.C. (Applicant); Dinesh and Rashmi Sawhney (Owners) - Request to Subdivide a 1± Acre Parcel into 9 Single-Family Parcels and Change the Zoning from RS (Single-Family Residential) to PD (Planned Development) District - The Property is Located at 571 Harris Road

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council:

1. Adopt the Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approve the Zone Change and the Preliminary Development Plan subject to the attached findings and conditions; and
3. Approve the Tentative Map Tract 7315 subject to the attached findings and conditions.

DISCUSSION:

On September 20, 2001, the Planning Commission unanimously recommended approval of the Mitigated Negative Declaration and the project to create nine single-family parcels on a private road off Harris Road within the Harder-Tennyson neighborhood. In recommending approval, Planning Commissioners expressed their support for single-family ownership housing in this South Hayward area. One Commissioner expressed reservation that a small homeowners' association would have the ability to carry out the responsibilities of maintaining a private street and the common areas on a continuous basis.

There is an existing house and multiple accessory buildings on the 1-acre parcel that will be removed. The property is primarily surrounded by one-story single-family homes, but there is also a mixture of multiple-family residential land uses including a small two-story apartment building on the northeast side of the site.

The parcel is currently zoned Single-Family Residential, which requires a minimum lot size of 5,000 square feet. The proposal has lots ranging in size from 4,009 square feet to 4,268 square feet with an 8,900± square-foot common area parcel. However, the General Plan Map designation for the area is Medium Density Residential, which allows up to 17.4 dwelling units per acre. The development proposal for nine homes using the Planned Development zoning designation has a density of 8.6 dwelling units per acre, which is consistent with the General Plan Map designation.

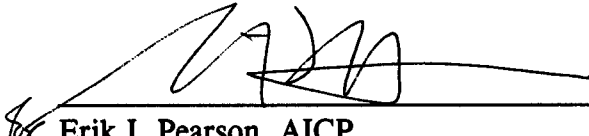
Development standards for conventional single-family dwellings call for 20-foot front yards. Although all garages would be set back a minimum of 20 feet from the front property line, some of the dwellings are as close as 10 feet to front property lines. The small front yards are compensated for by the relatively generous side yards and wide rear yards. All homes are two-stories and each will have a fenced private yard area, a two-car garage and driveways accommodating additional off-street parking. Four guest parking spaces are provided at the end of the private street. The design of the homes is consistent with the most recently adopted design guidelines for single-family subdivisions in that at least 50 percent of the homes feature second stories that are smaller in area than the first floor and the height of at least one, second-story exterior side building wall is lower than the opposite side building wall. One of the Planning Commissioners commented that the front porches are an attractive feature.

The homes can be expected to generate six students, which, according to Hayward Unified School District representatives, can be accommodated at Shepherd Elementary School (K-3), Tyrell Elementary School (4-6), Martin Luther King Middle School, and Tennyson High School.

CONCLUSION:

The proposed project is consistent with adopted land use policies of the General Policies Plan, including the Housing Element, and the Harder-Tennyson Neighborhood Plan. These policies encourage single-family housing and opportunities for home ownership.

Prepared by:



for Erik J. Pearson, AICP
Associate Planner

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

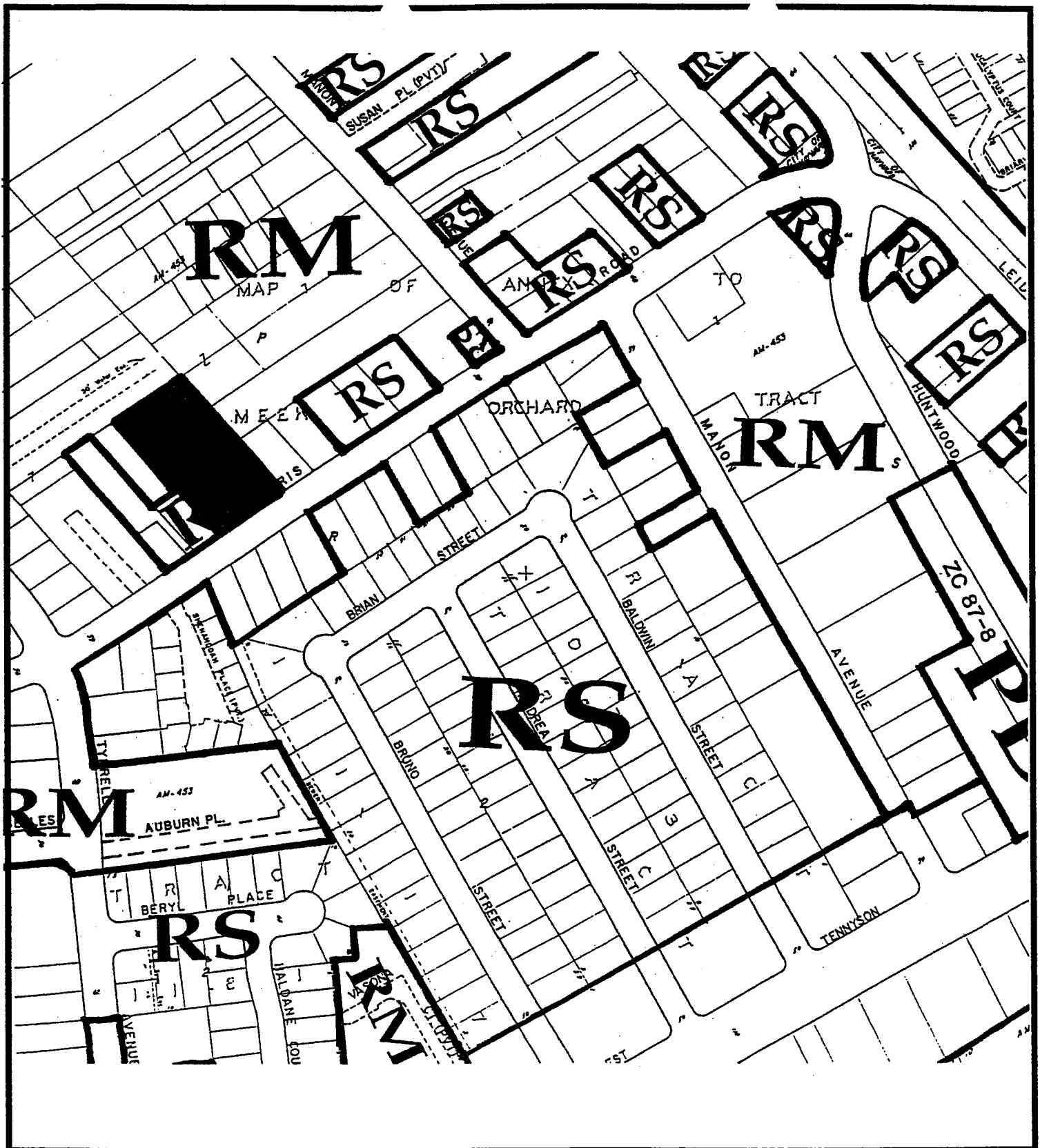
Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Area Map
Exhibit B. Planning Commission Meeting Minutes and Staff Report, dated
September 20, 2001
Draft Resolutions
Planned Development Plans
Tentative Tract Map 7315

10/17/01



Area & Zoning Map

PD 01-120-02

Address: 571 Harris Road

Applicant: Dinesh Sawhney

Owner: Dinesh & Rashmi Sawhney

DRAFT

ORDINANCE NO. _____

mae
10/15/01

AN ORDINANCE AMENDING SECTION 10-1.147 OF
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE BY REZONING CERTAIN TERRITORY LOCATED
ON HARRIS ROAD PURSUANT TO ZONE CHANGE
APPLICATION NO. 01-120-02

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. Section 10-1.147 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 571 Harris Road, located between Tyrrell and Manon Avenues in the Tennyson-Harder Neighborhood, from RS (Single-Family Residential) District to PD (Planned Development) District.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 2001, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of _____, 2001, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mal
10/15/01

RESOLUTION CERTIFYING THAT THE INITIAL STUDY
AND MITIGATED NEGATIVE DECLARATION FOR
TENTATIVE MAP FOR TRACT 7315 HAVE BEEN
COMPLETED IN COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND APPROVING THE
TENTATIVE MAP FOR TRACT 7315

WHEREAS, there has been presented to the City Council of the City of Hayward a tentative map for Tract 7315 to create 9 single-family parcels on Harris Road (the Property), in conjunction with an application to rezone the Property from RS (Residential Single-Family) zoning district to PD (Planned Development) zoning district; and

WHEREAS, a mitigated negative declaration has been prepared and processed for this subdivision in accordance with City and State CEQA guidelines; and

WHEREAS, the Planning Commission considered the matter at its September 20, 2001, meeting and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the mitigated negative declaration is based, certifies that the mitigated negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the mitigated negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council hereby finds and determines that:

1. The tentative tract map, as conditioned, has been found to be in substantial conformance with the project reviewed under the Mitigated Negative Declaration, which reflects the independent judgment of the City Council.
2. The tentative map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance, as rezoned;

3. The site is physically suitable for the proposed type of development;
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
5. The design of the subdivision and the proposed improvements are not likely to cause serious health problems;
6. Existing streets and utilities are adequate to serve the project;
7. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the tentative map for Tract 7315, subject to the conditions of approval attached hereto as Exhibit "A".

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

me
10/15/01

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING THE ZONE CHANGE FOR
PLANNED DEVELOPMENT APPLICATION NO. 01-120-02
AND CONDITIONALLY APPROVING THE PRELIMINARY
DEVELOPMENT PLAN**

WHEREAS, Planned Development Application No. 01-120-02 and Tentative Map Tract 7315 concerns a request by American Housing P.M.C. (Applicant) and Dinesh and Rashmi Sawhney (Owners) to subdivide a 1.0± acre parcel into 9 single-family parcels and change the zoning from RS (Single-Family Residential) to PD (Planned Development) District on Harris Road between Tyrrell and Manon Avenues in the Harder-Tennyson Neighborhood (the "Property"); and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, an initial study and mitigated negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on September 20, 2001, regarding Planned Development Application No. 01-120-02, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the Initial Study, Mitigated Negative Declaration, zone change, preliminary plan and tentative tract map.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. The rezoning will have no significant impact on the area's resources, cumulative or otherwise, and the Mitigated Negative Declaration is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council, based on the fact that the project, as mitigated, could not have a significant environmental impact;
2. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Harder-Tennyson Neighborhood Plan and

applicable City policies by providing housing opportunities and enhancing neighborhood quality.

3. Existing and proposed streets and utilities will be adequate to serve the development.
4. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.
5. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards in that additional setback will be provided beyond the 20 feet required from the Harris Road right-of-way, larger-than-required side yard setbacks are proposed, and higher quality housing will be constructed in an area in need of redevelopment.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the preliminary development plan is hereby conditionally approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from a RS (Single-Family Residential) District to a PD (Planned Development) District.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Due to the length of the additional exhibits, they are not available for website viewing. The report, in its entirety, is available in the City Clerk's Office, Planning Division, and at the Main Library.